



House of Representatives

General Assembly

File No. 228

January Session, 2017

House Bill No. 7080

House of Representatives, March 27, 2017

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***AN ACT CONCERNING LEGAL PROTECTIONS FOR PERSONS
ENTERING PASSENGER MOTOR VEHICLES TO RENDER
EMERGENCY ASSISTANCE TO CHILDREN.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2017*) (a) Notwithstanding any
2 provision of the general statutes, a person who enters the passenger
3 motor vehicle of another, including entry by force, to remove a child
4 from the passenger motor vehicle shall have an affirmative defense
5 against any civil damages or criminal penalties resulting from the acts
6 or omissions by such person in removing the child from the passenger
7 motor vehicle, if such person:

8 (1) Has a reasonable belief, at the time such person enters the
9 passenger motor vehicle, that such entry is necessary to remove the
10 child from imminent danger of serious bodily injury;

11 (2) Uses no more force than reasonably necessary under the
12 circumstances to enter the passenger motor vehicle to remove the child
13 from imminent danger of serious bodily injury based upon the

14 circumstances known by such person at the time;

15 (3) Reports the entry and the circumstances surrounding such entry
16 to a law enforcement agency or other public safety agency within a
17 reasonable period of time after entering the passenger motor vehicle;
18 and

19 (4) Takes reasonable steps to ensure the safety, health and well-
20 being of the child after removing the child from the passenger motor
21 vehicle.

22 (b) The affirmative defense provided in subsection (a) of this section
23 shall not apply to acts or omissions constituting gross, wilful or
24 wanton negligence.

25 (c) Nothing in this section shall affect a person's civil liability if the
26 person attempts to render aid to the child in addition to the aid that is
27 authorized under this section.

28 (d) The provisions of this section are not exclusive, and the
29 affirmative defense shall be in addition to any other defenses or
30 immunities provided by state or federal law or which are available
31 under common law.

32 (e) As used in this section, "passenger motor vehicle" has the same
33 meaning as provided in section 14-1 of the general statutes and "public
34 safety agency" has the same meaning as provided in section 28-25 of
35 the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2017	New section

JUD

Joint Favorable

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which provides affirmative defense against civil damages and criminal penalties in certain situations, does not result in a fiscal impact as it involves civil actions and criminal penalties that are not levied in current practice.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 7080*****AN ACT CONCERNING LEGAL PROTECTIONS FOR PERSONS ENTERING PASSENGER MOTOR VEHICLES TO RENDER EMERGENCY ASSISTANCE TO CHILDREN.*****SUMMARY**

Under certain circumstances, this bill provides an affirmative defense against civil damages or criminal penalties to someone who enters another person's passenger motor vehicle, including by force, to remove a child who he or she reasonably believes is in imminent danger of serious bodily injury. It covers the person's actions or omissions in removing the child as long as he or she:

1. uses no more force than reasonably necessary, under the circumstances the person knows at the time, to enter the vehicle to remove the child;
2. reports the entry and related circumstances to a law enforcement or public safety agency within a reasonable time after entering the vehicle; and
3. takes reasonable steps to ensure the safety, health, and well-being of the child after removal from the vehicle.

The affirmative defense provided under the bill is in addition to defenses or immunities available under federal, state, or common law but does not apply to acts or omissions constituting gross, willful, or wanton negligence. Under the bill, a person may still be liable for civil damages if he or she attempts to provide aid to the child in addition to the actions the bill authorizes.

EFFECTIVE DATE: October 1, 2017

DEFINITIONS

Under the bill:

1. a “passenger motor vehicle” is a motor vehicle used for private transportation of people and their belongings, designed to carry up to 10 passengers, including the operator, in comfort and safety and
2. a “public safety agency” is a functional municipal or state division that provides firefighting, law enforcement, ambulance, medical, or other emergency services.

BACKGROUND

Related Bill

sSB 513, reported favorably by the Environment Committee, grants immunity to certain emergency response personnel who render emergency assistance to a child or animal locked in a vehicle when weather conditions reasonably may be expected to threaten the child's or animal's health or welfare.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 38 Nay 1 (03/10/2017)